

## MINUTES OF MEETING

Village of Irvington  
Zoning Board of Appeals  
July 24, 2005

### Attendees:

Louis Lustenberger – Chair  
Bruce Clark  
Christopher Mitchell  
Arthur Semetis – Recording Secretary

The meeting was called to order at 8:00 p.m.

- 1) 2005-19 **Zbigniew Swiecki** – 91 North Broadway (Sheet 1; Block 246A; Lot 3) seeking a variance from sections 224-11 (Front yard setback on Meadowbrook Road), 224-136 (Exceeds allowable Floor Area Ratio) and 224-51(B)(1) (Intrusion into the Broadway Buffer) of the Village Code in order to build an addition to an existing structure.

The Applicant was represented by Architect Norman Sheer who reviewed the requested variances with the Board.

After a brief discussion, the Board found that granting the variances would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The proposed Floor Area Ratio is only 4.6% over the allowable; the relocated driveway alters a driveway that is already within the Broadway Buffer and has no visual effect on the Broadway corridor. Lastly, with respect to the addition to the house, while it extends an existing intrusion into the front yard set back, it does not move that intrusion any closer to the lot line.

The Board also found that the benefit which was sought could not feasibly be achieved by any method other than a variance. Finally, the Board found that the requested variances were not large and would not adversely affect the physical or environmental conditions of the neighborhood or district and that the hardship necessitating the request for the variances, while self-created, was not for that reason alone sufficient to outweigh the factors favoring a variance.

There was no object to the application.

For these reasons, upon motion of the Chair, seconded by Mr. Semetis, the Board voted unanimously to grant the request and the application was granted to permit the construction of an addition to the residence house and the relocation of a driveway in accordance with plans submitted at the hearing.

- 2) 2005-20 **Michael and Shari Katz** – 95 Highland Lane (Sheet 10G; Block -; Lot 95) seeking a variance from section 224-11 (Rear Yard setback) of the Village Code in order to build a family room and deck.

The Applicants were represented by Architect Jacob Goldberg.

After a brief presentation, the Board concluded that the benefit to the Applicants from granting these variances outweighed any detriment to the health, safety and welfare of the neighborhood or community. In particular, the Board found that granting the variances would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Only the deck, not the addition, will intrude into the yard setback and both will be well screened from neighbors by existing vegetation. The Board concluded that taken together, they represent modest changes to existing structure.

The Board also found that the benefit which was sought could not feasibly be achieved by any method other than a variance. Finally, the Board found that the requested variances were not large and would not adversely affect the physical or environmental conditions of the neighborhood or district and that the hardship necessitating the request for the variances, while self-created, was not for that reason alone sufficient to outweigh the factors favoring a variance.

The Chair noted that the proposed construction has been approved by the Architectural Review Committee of the Fieldpoint Community Association and there was no objection to the application.

Upon motion of the Chair, seconded by Mr. Semetis, the Board voted unanimously to grant the request and the application was granted to permit the construction of an addition and deck to the rear of the Applicants' house in accordance with the plans submitted at the hearing.

- 3) 2005-21 **Brian and Sally Monahan** – 2 Hancock Place (Sheet 8; Block 219; Lot 1) seeking a variance from sections 224-11 (Rear Yard setback), 224-51(C) (Intrusion in the Aqueduct Buffer) and 224-89 (Non-conforming lot size) of the Village Code in order to construct a one floor addition, pergola, patio and fence.

The Applicants were represented by Architect Christina Griffi. Ms. Griffi set forth the details concerning the variances sought by the Applicants.

Ken Seigal, a neighbor residing at 10 Hancock Place, requested clarification with respect to the plans. In response to this inquiry, he was informed that there would be no new construction within the 25' setback, and that the proposed terrace would be at grade.

Diane Lowry, a neighbor residing at 1 Hancock Place, expressed several concerns relating to construction traffic and the location of the fence. She was told that the issues surrounding potential construction disruptions would be addressed by the building inspector and the planning board. Ms. Lowry was also informed that the proposed fence would only be

located at a corner of the property. She was informed by the Chair that issues concerning tree protection would also be addressed by the building inspector and the planning board.

Chairman Lustenberger added that he had visited the property and thought that the application would be a great benefit to the Applicants, and would not be a detriment to the neighborhood.

The Board concluded that the benefit to the Applicants from granting these variances outweighed any detriment to the health, safety and welfare of the neighborhood or community. In particular, the Board found that granting the variances would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The extension of an existing terrace and a new trellis over the terrace would only intrude into the rear yard setback by a modest amount. A proposed fence at the southeast corner of the lot will, on its eastern portion, adjoin the aqueduct for a short distance. The fence will be completely screened from the Aqueduct.

The Board also found that the benefit which was sought could not feasibly be achieved by any method other than a variance. Finally, the Board found that the requested variances were not large and would not adversely affect the physical or environmental conditions of the neighborhood or district and that the hardship necessitating the request for the variances, while self-created, was not for that reason alone sufficient to outweigh the factors favoring a variance.

The Chair made a motion to approve the application. The motion was seconded by Mr. Clark. The Board then voted unanimously to grant the request and the application was granted to permit the construction of additions to the house and a fence on the southeast corner of the lot in accordance with plans submitted at the hearing on the express condition that the fence be completely screened from the Aqueduct by permanent vegetation.

- 4) 2005-22 **Lorie and Charles Levy** – 2 Hudson Road West (Sheet 8; Block 219; Lot 27 & 27A) seeking a variance from sections 224-11 (Front Yard setback), 224-13 (Exceeds allowable coverage) and 224-134 (Exceeds allowable Floor Area Ratio) of the Village Code in order to permit modifications and additions to an existing single-family residence.

The Applicants were represented by Architect Arthur Chabon. The Chair noted that the variances requested were previously granted by this Board's decision dated October 29, 2003 but because construction did not commence within the year of that grant, this reapplication was required. The Chair noted that the instant variances are either less than those previously requested or varied therefrom by a miniscule amount.

The Board concluded that the benefit which was sought could not feasibly be achieved by any method other than a variance. Finally, the Board found that the requested variances were not large and would not adversely affect the physical or environmental conditions of the neighborhood or district and that the hardship necessitating the request for the variances, while self-created, was not for that reason alone sufficient to outweigh the factors favoring a variance.

There was no objection to the application.

The Chair made a motion to grant the application. The motion was seconded by Mr. Semetis. The Board then voted unanimously to grant the request and the application was granted to permit the construction of additions to the house in accordance with plans submitted at the hearing.

- 5) 2005-23 **Chris and Kim Hogan** – 340 South Broadway (Sheet 8; Block 221; Lot 17A & 17B) seeking a variance from sections 224-10 (non-conforming lot) 224-11 (Yard setback), 224-51(B) (Intrusion into the Broadway Buffer) of the Village Code in order to build a new entrance portico, re-configure an existing driveway and enlarge an existing structure.

The Applicants were represented by Matt Behrens, Architect.

The Board concluded that the benefit to the Applicants from granting these variances outweighed any detriment to the health, safety and welfare of the neighborhood or community. In particular, the Board found that granting the variances would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The new entranceway, walkway and driveway all essentially replace existing structures and do not affect the view of the property from Broadway, which is already screened by a stone wall.

The Board also found that the benefit which was sought could not feasibly be achieved by any method other than a variance. Finally, the Board found that the requested variances were not large and would not adversely affect the physical or environmental conditions of the neighborhood or district and that the hardship necessitating the request for the variances, while self-created, was not for that reason alone sufficient to outweigh the factors favoring a variance.

There was no objection to the application.

Upon motion of the Chair, seconded by Mr. Mitchell, the Board voted unanimously to grant the request.

The meeting was then adjourned.